

City Council Introduction: **Monday**, August 12, 2002
Public Hearing: **Monday**, August 19, 2002, at **1:30 p.m.**

Bill No. 02R-171

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1808B, an amendment to the FALLBROOK COMMUNITY UNIT PLAN, requested by Olsson Associates on behalf of NEBCO, Inc., to expand the boundaries of the CUP, revise the layout of a portion of the single family residential area and to transfer dwelling units to the single family residential area, including waiver requests to allow non-radial lot lines and to allow an intersection with a grade greater than 3%, on property generally located north of Highway 34, south of Alvo Road and west of North 1st Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 6/26/02 and Consent Agenda, 7/10/02
Administrative Action: 7/10/02

RECOMMENDATION: Conditional approval (7-0: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser absent).

STAFF RECOMMENDATION: Conditional approval.

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4, concluding that the amendment is in conformance with the Comprehensive Plan—the new layout better meets the goals and principles of new neighborhoods and complies with the Zoning Ordinance.
2. This application was deferred on June 26, 2002, to allow proper advertising of an additional waiver request.
3. On July 10, 2002, this application was placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 5, 2002

REVIEWED BY: _____

DATE: August 5, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1808B

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1808B
Fallbrook Community Unit Plan

DATE: June 26, 2002

PROPOSAL: To expand the boundaries of the CUP, revise the layout of a portion of the single family residential area, and to transfer dwelling units to the single family residential area.

WAIVER REQUEST: Non-radial lot lines.
To allow an intersection with a grade greater than 3%.

LAND AREA: 54.44 Acres, more or less.

CONCLUSION: In conformance with the Comprehensive Plan, the new layout better meets the goals and principles of new neighborhoods and complies with the Zoning Ordinance.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlots A, B, H, J, M, a portion of N, O, Q, R, and T, Fallbrook Addition; Lots 5-7, Block 10; Lots 1-9 Block 12; Lots 1 and 2, Block 13; Lots 1-8 and Lots 10-15, Block 11; all of Fallbrook Addition, Lots 1-12, Block 1, Lots 1-18, Block 2 Outlots A, B and C, Fallbrook 1st Addition; Lots 1-12 and Outlots A and B, Fallbrook 3rd Addition and Lot 8 I.T., all located in the South ½ of Section 34, T11N, R6E, Lancaster County, Nebraska.

LOCATION: North of Highway 34, south of Alvo Road and west of North 1st Street

APPLICANT: NEBCO Inc.
1815 Y Street
(402) 434-1212

OWNERS: Brookhaven, Inc. NEBCO
Lots 6 & 7, Block 10, Fallbrook Add. 1815 Y Street
Lots 3 & 4, Block 1, Fallbrook 1st Add.

Kevin Carl Meyer and Denise Dyan Claridge
Lot 5, Block 10, Fallbrook Add.

CONTACT: Steve Clymer
Olsson Associates
1111 Lincoln Mall
(402)474-6311

EXISTING ZONING: R-3, Residential

EXISTING LAND USE: Residential and undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Residential and agricultural R-3, Residential, AG, Agricultural
South:	Undeveloped B-2, Business, O-3, Office Park
East:	Acreages AG
West:	Agricultural AG

HISTORY: On **June 25, 2001**, City Council approved Special Permit #1808A to revise the town home area and add two lots for a total of 316 maximum allowed dwelling units.

On **June 5, 2000**, City Council amended Change of Zone #3202 to correct the legal description in the R-3 district.

On **January 24, 2000**, City Council adopted Change of Zone #3202 to change the zone from AG to R-3, O-3 and B-2.

On **January 24, 2000**, City Council adopted the Fallbrook Special Permit #1808, Use Permit #124 and Preliminary Plat #99023 to allow 314 dwelling units on the property legally described as the above. Front, side and rear yard setbacks were waived by City Council.

On **December 1, 1999**, Planning Commission recommended conditional approval for Fallbrook Special Permit #1808.

The area was zoned A-A, Rural and Public Use District until it was changed to AG, Agriculture during the 1979 update.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as urban residential in the Comprehensive Plan.

The Comprehensive Plan indicates that the community form should incorporate multiple development principles including:

“Mix of housing types - single family, townhomes, apartments, elderly housing all within one area”. This project has single family, townhomes and two family all within walking distance to a town center shopping and office area. (Page F-23)

“Pedestrian orientation with parking at rear, multiple pedestrian routes, and buildings and uses close to each other”. (Page F-23)

Guiding principles for new neighborhoods in the Comprehensive Plan include:

“Encourage a mix of housing types single family, townhomes, apartments, elderly housing all within one area”.

This project better meets these guiding principles and goals by providing better lot orientation, and making lots smaller so uses are closer together.

PUBLIC SERVICE: The nearest Fire Department is located in the Highlands on N.W. 1st Street.

ANALYSIS:

1. This is an application to amend the existing special permit for Fallbrook CUP to expand the boundaries of the CUP, transfer 20 lots from approved unassigned units to the single family new urbanism area, and revise the lot and street layout of the new urbanism area. Most of the revisions can be done administratively, however, because the boundary of the CUP is being expanded slightly a public hearing is required.
2. Currently, the CUP is approved for a maximum of 316 dwelling units. Prior to this amendment only 258 dwelling units were shown on the plan, leaving 58 dwelling units unassigned. This amendment shows 278 dwelling units on the site plan, leaving a total of 38 units still unassigned.
3. The Public Works & Utilities Department indicated that the intersections of NW 6th and NW 7th Street with Blue Sage Blvd do not meet design standards for required intersection platforms. The applicant requests to waive the Design Standards for this requirement because half of the road is already constructed and would have to be rebuilt to meet the required grade. The Public Works & Utilities Department indicated that they do not object to this request.
4. The Public Works & Utilities Department indicated that no cross-section is shown for the proposed alleys. The drainage areas shown would indicate that the alley drainage does not stay within the alley prior to draining into a street. The alley cross-section, therefore, is not a standard alley cross-section. Even though it appears that profiles and cross-sections were not required with the original approval, they need to be provided for review of the Public Works & Utilities Department. The Public Works & Utilities Department recommends that the alley be designed to contain the drainage within the alley until it outlets to a street.
5. The applicant requests a waiver to allow non-perpendicular lot lines. § 26.23.140(c) of the Land Subdivision Ordinance indicates that the side lines of any lot shall be at right angles or radial, if a street is curved, except where a variation will provide a better street and lot layout. The waiver is unnecessary, since the amendment provides a better street and lot layout, as allowed by Title 26.
6. The new layout causes the need for a vacation of a couple of existing streets that were platted as part of final plats. Where the road alignments have changed, the developer must request vacation of streets and/or alleys, receive approval, and the land deeded to the owners in order to plat new lots, streets and alleys.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Intersections of NW 6th and NW 7th Street with Blue Sage Road to the satisfaction of the Public Works & Utilities Department.

1.1.2 Alley cross-sections to the satisfaction of the Public Works & Utilities Department.

1.1.3 A note indicating that any relocation of existing facilities will be at the owner/developer's expense.

1.1.4 Remove the dot pattern from the commercial areas outside the boundaries of the CUP.

1.1.5 Revise the vicinity map to represent only the area of the CUP.

1.2 Submit a revised landscape plan to the satisfaction of the Parks and Recreation Department.

2. This approval permits 316 dwelling units and a waiver to allow the intersection at NW 6th Street and Blue Sage Road to have a grade greater than 3.0%.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

**SPECIAL PERMIT NO. 1808B,
AN AMENDMENT TO THE
FALLBROOK COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 26, 2002

Members present: Larson, Taylor, Bills-Strand, Duvall, Newman, Krieser, Carlson and Schwinn; Steward absent.

Staff recommendation: Conditional approval.

The Clerk advised that the applicant has submitted an additional waiver request and a two-week deferral so that the waiver may be advertised.

Duvall moved to defer, with continued public hearing and administrative action scheduled for July 10, 2002, seconded by Bills-Strand and carried 8-0: Larson, Taylor, Bills-Strand, Duvall, Newman, Krieser, Carlson and Schwinn voting 'yes'; Steward absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

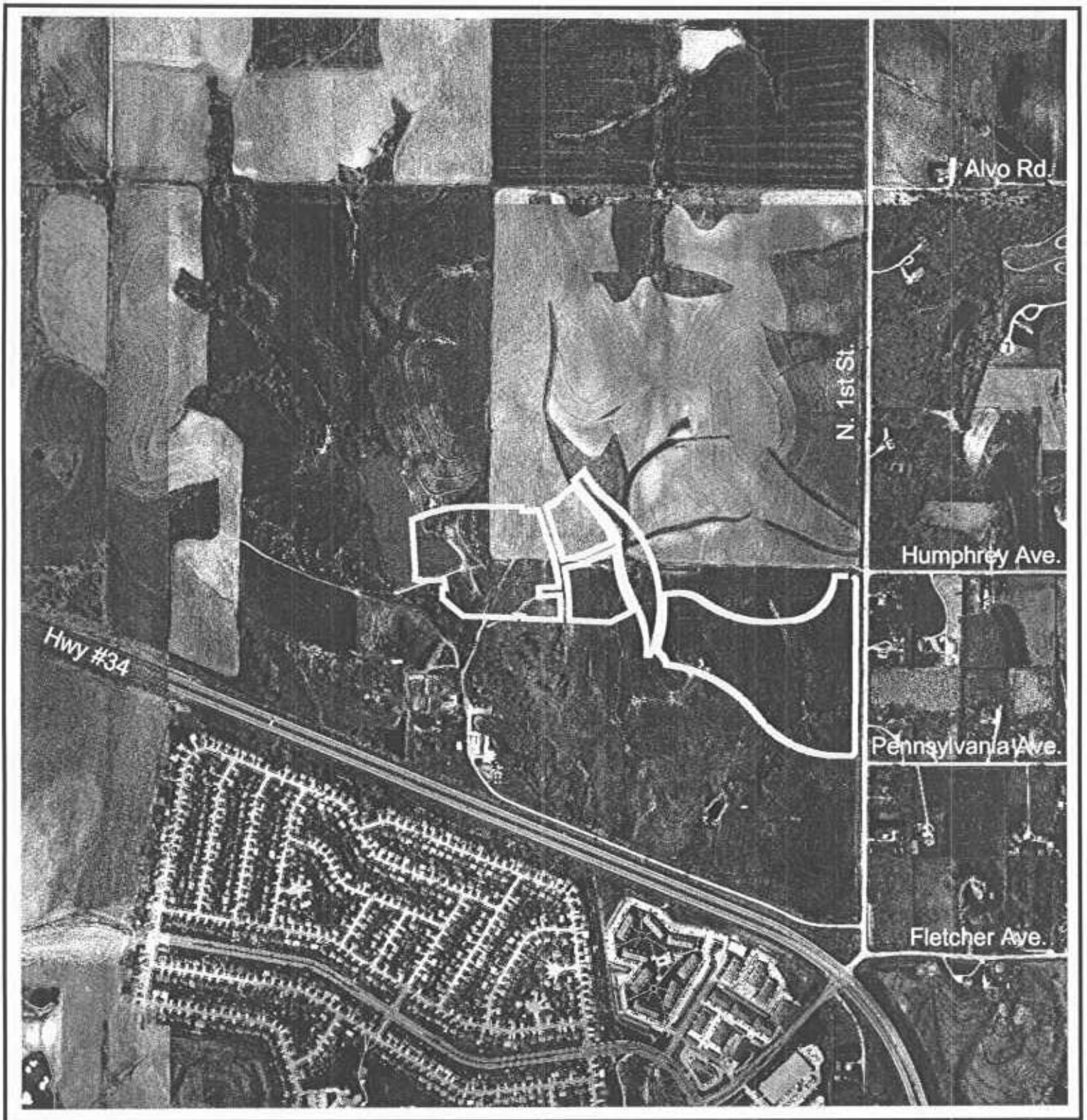
July 10, 2002

Members present: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor; Duvall and Krieser absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1808B, an amendment to the FALLBROOK COMMUNITY UNIT PLAN; FINAL PLAT NO. 02001, PARKER'S LANDING ADDITION; FINAL PLAT NO. 02004, THE PRESERVE ON ANTELOPE CREEK; FINAL PLAT NO. 02007, STONE BRIDGE CREEK ADDITION; and FINAL PLAT NO. 02020, POINTE EAST ESTATES 10TH ADDITION.**

Newman moved to approve the Consent Agenda, seconded by Taylor and carried 7-0: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser absent.

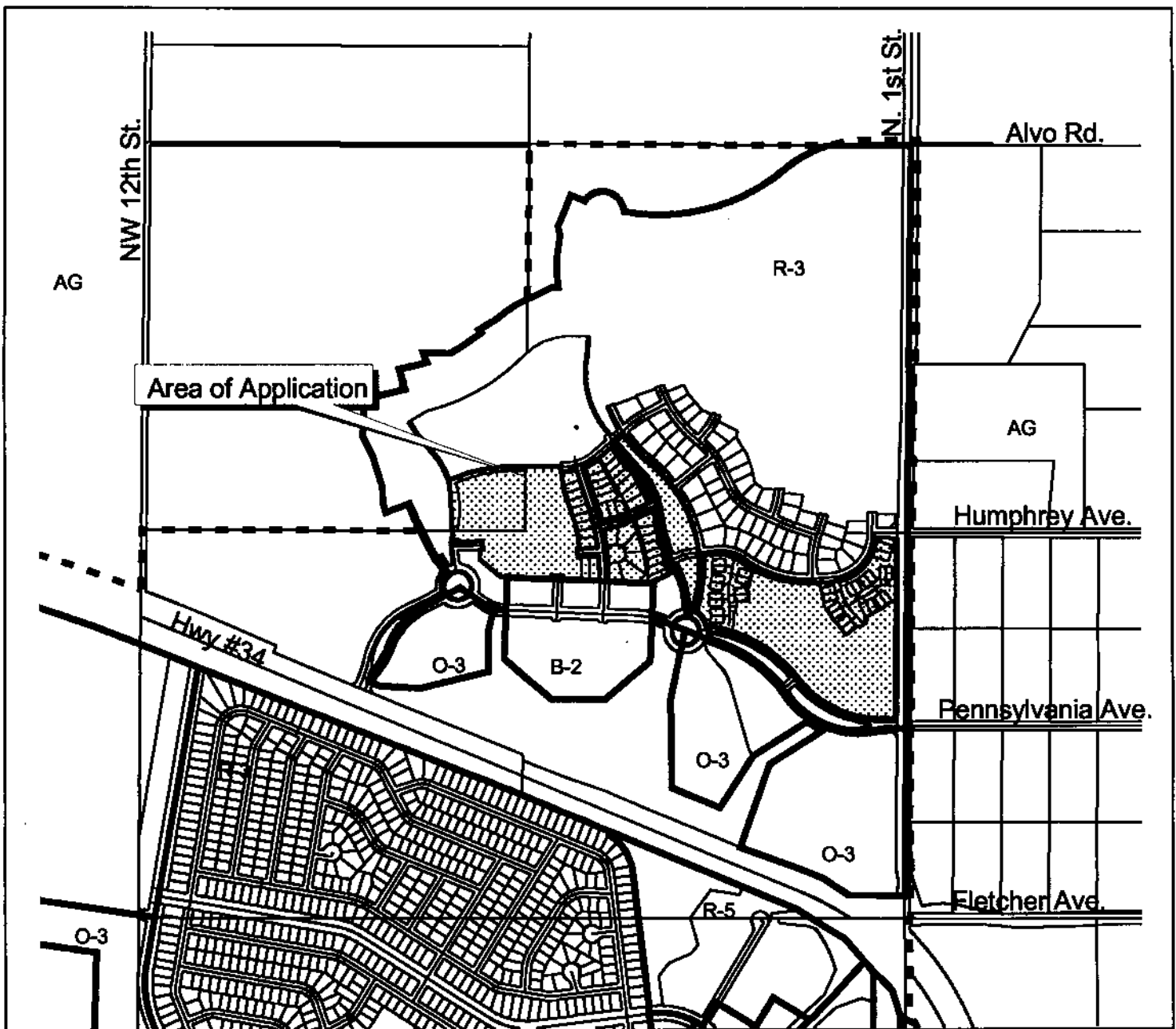
Note: This is final action on Parker's Landing Addition Final Plat No. 02001, The Preserve on Antelope Creek Final Plat No. 02004, Stone Bridge Creek Addition Final Plat No. 02007 and Pointe East Estates 10th Addition Final Plat No. 02020, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Special Permit #1808B
Fallbrook
Nwy 34 & N. 1st



008

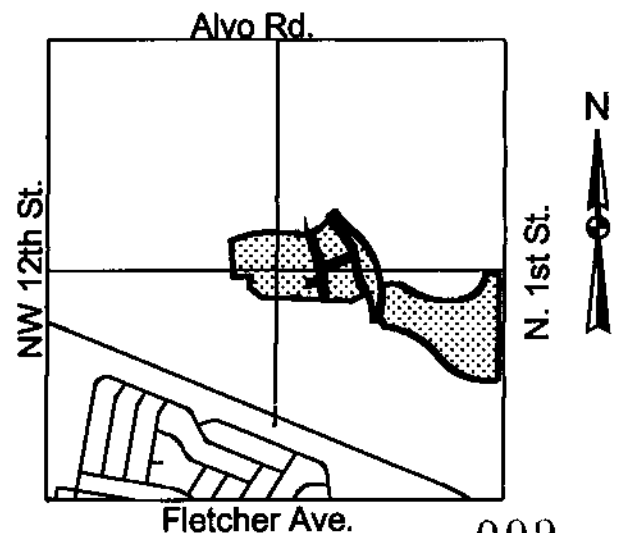
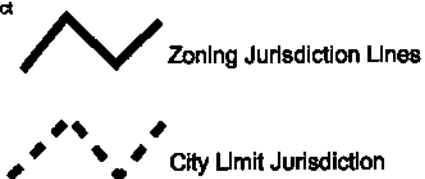


Special Permit #1808B **Fallbrook Community Unit Plan** **Hwy 34 & N. 1st**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

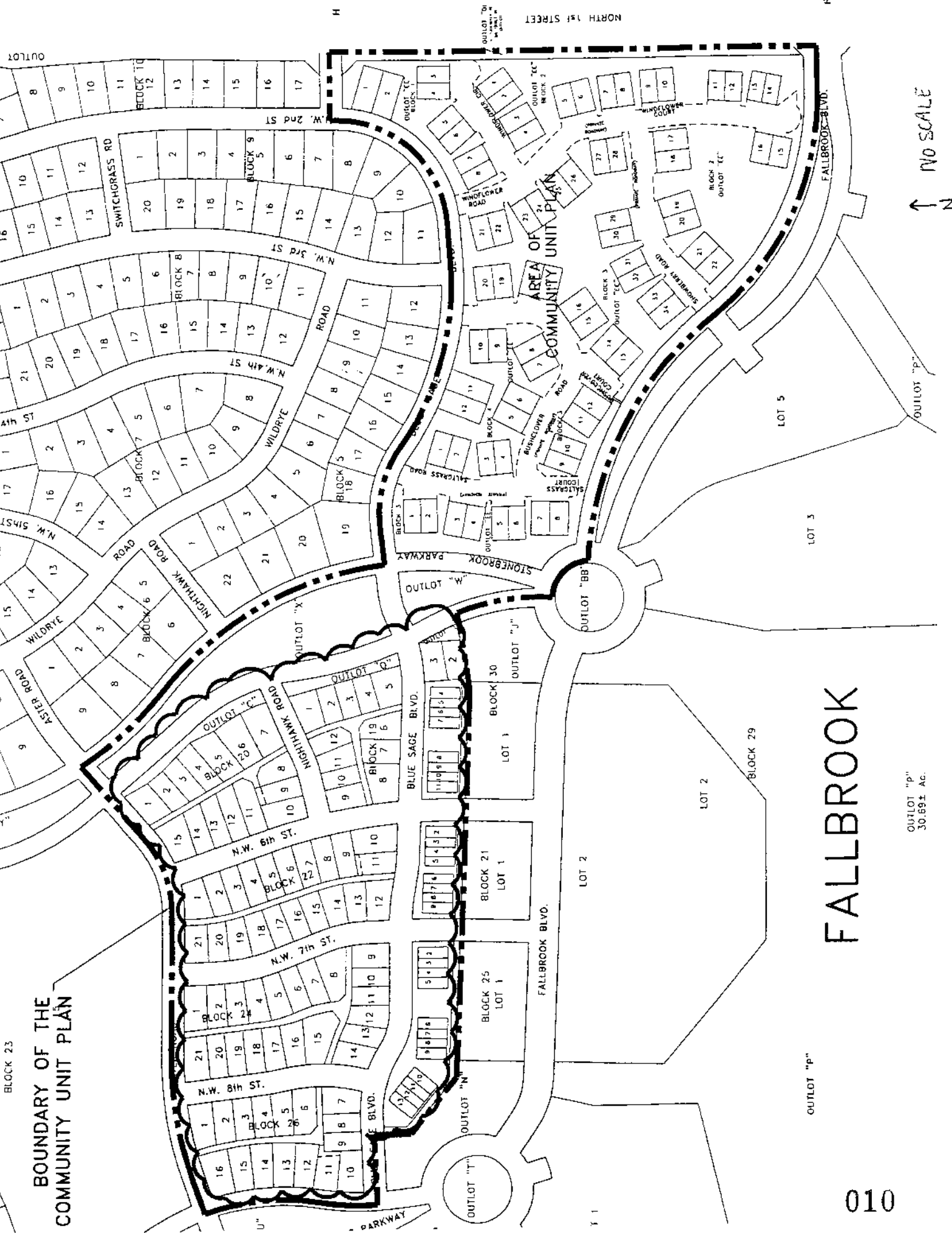
One Square Mile
 Sec. 34 T11N R6E



009

BLOCK 23

BOUNDARY OF THE
COMMUNITY UNIT PLAN



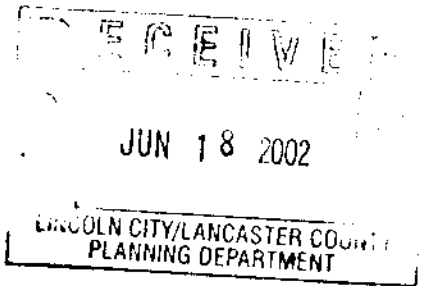
FALLBROOK

OUTLOT "P"
30.69± AC.

010



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS



18 June 2002

Mr. Kent Morgan
Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Amendment to C.U.P.
To Special Permit No. 1808A/B
Fallbrook Community Unit Plan
OA Project No. 2001-0577

Dear Mr Morgan:

On behalf of the Owner/Developer, NEBCO, Inc., 1815 Y Street, Lincoln, NE 68508, we are requesting an additional waiver to the design standards to allow an intersection with a grade greater than 3.00%. The intersection occurs at Northwest 6th Street and Blue Sage Boulevard. We are also requesting a two week extension to the above mentioned Amendment to allow for advertising of this waiver.

Please call, if you require further information or have any questions.

Sincerely,

Tim Gergen

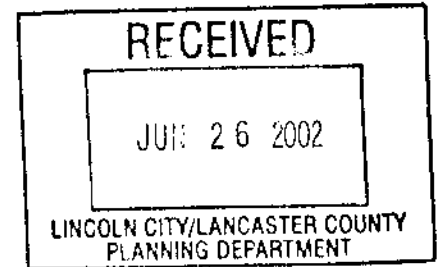
Enclosure, check

cc Matt Harris, NEBCO

F:\Projects\20010577\doc\lkMorgan 602.wpd



OLSSON ASSOCIATES
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26 June 2002

Mr. Dennis Bartels
Public Works
531 Westgate Blvd.
Lincoln, NE 68528


Re: Amendment to C.U.P.
To Special Permit No. 1808A
Fallbrook Community Unit Plan
OA Project No. 2001-0577

Dear Dennis:

This letter is to clarify the waiver requested on June 18th for the intersection of Northwest 6th Street and Blue Sage Boulevard. The requested waiver is to allow the existing Northwest 6th Street to have an approach grade greater than the required 3.0% at an intersection. Northwest 6th Street is an existing local street with a grade of a 4.24% in the area of the proposed intersection with Blue Sage Boulevard. Blue Sage Boulevard was approved to intersect Northwest 6th Street at a T-type intersection. This Amendment will change the T-type intersection into a four-way intersection. Blue Sage Boulevard will be within design standards for local public streets.

Please call, if you require further information or have any questions.

Sincerely,



Tim Gergen

cc Becky Horner

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OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

15, May 2002

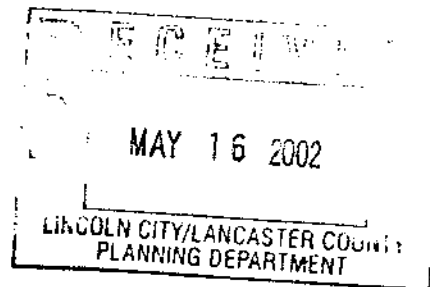
Mr. Kent Morgan, Interim Planning Director
Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Amendment to C.U.P.
To Special Permit No. 1808A
Fallbrook Community Unit Plan
OA Project No. 2001-0577.06

Dear Mr. Morgan:

Enclosed find the following drawings/items for the above-mentioned project:

- | | | |
|-----|--|-----------------|
| 1. | Sheet 1 of 18, "Cover Sheet" | (21 copies) |
| 2. | Sheet 2 of 18, "Note Plan" | (21 copies) |
| 3. | Sheets 3, 4, & 5 of 18, "Site Plans" | (21 copies ea.) |
| 4. | Sheets 6 through 9, "Grading & Drainage" | (8 copies ea.) |
| 5. | Sheets 10 through 15, "Street Profiles" | (5 copies ea.) |
| 6. | Sheet 16, "Landscape Plan" | (6 copies) |
| 7. | Sheet 17, "Landscape Details" | (6 copies) |
| 8. | Sheet 18, "Wetland Mitigation Plan" | (6 copies) |
| 8. | Ownership Certificate | (1 copy) |
| 9. | City of Lincoln Zoning Application | (1 copy) |
| 10. | Application fee, \$595.00 | |



On behalf of the Owner/Developer, NEBCO, Inc., 1815 Y Street, Lincoln, NE 68508, we are requesting an Amendment to the existing Community Unit Plan, #1808A. The following modifications/revisions have been incorporated into the drawings.

Twenty (20) units/lots have been added to the C.U.P. layout making the total density of 278 units. The additional units appear in Blocks #19 thru #22, #24 thru #26 and #30 as outlined by the revision cloud. These additional units/lots still remain below the total density count approved with the original submittal of 368 units. In addition, Nighthawk Road has been re-aligned through this area and has been renamed to Blue Sage Boulevard.

We are requesting an additional waiver of the Design Standards for "Non-perpendicular lot lines to the right-of-way". All other approved waivers to remain unchanged and in effect.

013

Mr. Kent Morgan
Page Two
15, May 2002

Please call, if you require further information or have any questions.

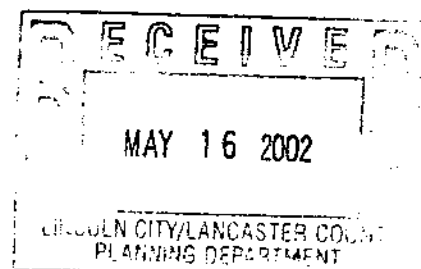
Sincerely,

Mary Beth Jarosh
for
Stephen L. Clymer, AIA

Enclosures

cc Ross McCown, NEBCO
Dan Muhleisen

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Dennis D Bartels

To: Rebecca D Horner/Notes@Notes

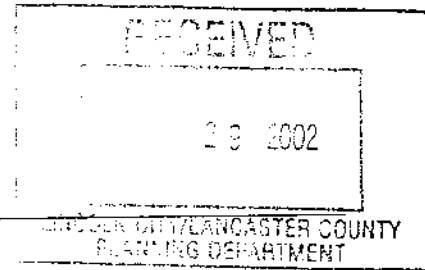
cc:

06/26/2002 12:10 PM

Subject:

The requested waiver to intersection platforms in Fallbrook CUP as outlined in a letter from Tim Gergen dated June 26, 2002 is satisfactory to Public Works.

M e m o r a n d u m



To: Becky Horner, Planning

From: *DB* Dennis Bartels, Engineering Services

Subject: Fallbrook Revised CUP

Date: May 28, 2002

cc: Roger Figard
Randy Hoskins
Virendra Singh
Nicole Fleck-Tooze
Ben Higgins

Engineering Services has reviewed the revised CUP for Fallbrook located west of North 1st, north of Highway 34 and has the following comments:

1. The intersections of Northwest 6th and North west 7th with Blue Sage Boulevard do not meet design standards in regard to required intersection platforms. There does not appear to be sufficient justification to waive this requirement.
2. No cross-section is shown for the proposed alleys. The drainage areas shown would indicate that the alley drainage does not stay within the alley prior to draining to a street. The alley cross-section is therefore not a standard alley cross-section. Even though it appears that profiles and cross-sections were not required with the original approval, it would be desirable that they be provided. I recommend that the alleys be designed to contain the drainage within the alley until it outlets to a street.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # DRF02058

Address

Job Description: FALLBROOK

Location: FALLBROOK

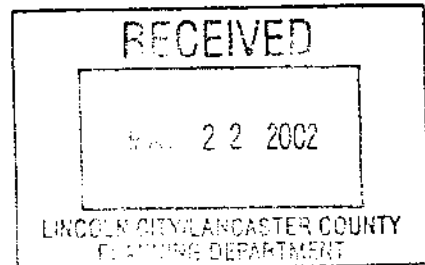
Special Permit: Y 1808B

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By: BECKY HORNER



Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

Memo



To: Becky Horner, Planning Department
From: Mark Canney, Parks & Recreation
Date: June 3, 2002
Re: Fallbrook 1808B

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Please provide a new or current landscape plan reflecting the lot changes for review.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



Dennis L Roth
05/24/2002 12:24
AM

To: Rebecca D Horner/Notes@Notes
cc: "
Subject: re: Fallbrook

PROJ NAME: Fallbrook
PROJ NMBR: Special Permit #1808B
PROJ DATE: 05/16/02
PLANNER: Becky Horner

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Did have reservations about Switchgrass with Switchback already existing in southwest Lincoln, but there should be enough difference not to cause a problem for emergency responders.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

Streets: Alva Rd, Aster Rd, Blue Sage Blvd, Bittersweet Cr and Rd, Fallbrook Blvd, Indiangrass Ct, Lilac Dr, Lupine Dr, Nighthawk Rd, Penrose Dr, Silverleaf Dr, Switchgrass Rd, Stonebrook Pkwy, Tallgrass Pkwy, Wildrye Rd, N 1st St, NW 2nd St, NW 3rd St, NW 5th St, NW 6th St, NW 7th St and NW 8th St.

Private Streets: Bushclover Ct and Rd, Saltgrass Ct and Rd, Snowberry Rd and Windflower Cir, Ct and Rd

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2004-2005 2005-2006

TABLE 1

JH:dl

Herold C. Hoad